



MEDIA ADVISORY

FOR IMMEDIATE RELEASE
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State of Indiana and IBM consolidated bench trial begins Monday

INDIANAPOLIS - The consolidated trial involving counter-lawsuits by the State of Indiana vs. IBM and IBM vs. State of Indiana begins Monday, February 27 at 9:00 a.m. in Marion Superior Court, Civil Division 10, T-1441 City-County Building, 200 East Washington Street, Indianapolis, IN (46204).

The Hon. David J. Dreyer will preside over the bench trial which may last up to six weeks.

Please reference the following Fact Sheet regarding media contacts, trial schedule and accessing court documents online through the Marion County Clerk's Office for free or through LexisNexis for a fee. The Court is also providing an anticipated witness list, attached as a PDF file.

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Media Contacts

Marion Superior Court: Beverly Phillips, phillipscgroup@gmail.com, (Cell or Text) 317.627.6746
State of Indiana: Peter Rusthoven, Barnes & Thornburg, peter.rusthoven@btlaw.com, 317.341.0143
IBM: Clint Roswell, roswellc@us.ibm.com, 914.672.9423

MEDIA FACT SHEET

BACKGROUND: This is a consolidated case involving both parties suing each other over the cancellation of a ten year contract for IBM to implement an eligibility Modernization system for Indiana Family and Social Services Administration (FSSA) for Hoosiers seeking or receiving TANF, Food Stamps and Hoosier Healthwise. The contract for more than \$1B was signed in December 2006 between the two parties. It was terminated by the State of Indiana in October 2009.

KEY COURT RULINGS TO DATE: The State of Indiana is seeking the return of all monies paid, which the Marion Superior Court has already determined is limited to \$125 million. IBM is seeking (approx.) \$100 million in fees and damages for the termination of the contract. The Court has already determined that the State of Indiana owes IBM \$40 million for termination of the contract.

TRIAL MANAGEMENT FACTS: This is a civil “bench trial” which means all rulings will be made by Judge Dreyer. There will be no jury. Witness testimony will be transcribed in instant “real time” so that Judge Dreyer and the parties will be viewing it as it is given. Exhibits will be displayed in the courtroom by video monitor to the public viewing area during the trial.

EXPECTED NUMBER OF WITNESSES: State of Indiana - 86. IBM - 37.

TRIAL SCHEDULE: Monday and Wednesday beginning at 9:00 a.m. and Tuesday and Thursday beginning at 8:00 a.m. - through normal business hours. There will be no public trial activity on Fridays. Trial may potentially last up to six weeks.

CAMERAS IN THE COURTROOM: Still photography and videotaping while Court is in session is prohibited by Indiana law.

MEDIA & PUBLIC RESOURCES: The Indiana Supreme Court has approved this case for electronic filing through LexisNexis File & Serve. Media may access the court file using public terminal #4 in the Marion County Clerk’s Office, located on the main floor of the City-County Building, West Wing. There is no charge to access records using the public terminal, no login is needed, and records may be saved to your personal flash drive. (The Clerk’s Office charges \$1.00 per page for printed copies.) Court records may also be accessed through the LexisNexis website for a fee. Please contact LexisNexis Customer Service at 888.529.7587 for more information.

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